

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:04-00100

MISTY DAWN JENKINS

MEMORANDUM OPINION AND ORDER

By Standing Order entered on July 21, 2004, and filed in this case on May 6, 2005, this action was referred to United States Magistrate Judge Mary E. Stanley for submission of proposed findings and a recommendation. Magistrate Judge Stanley filed her proposed findings and recommendation on August 30, 2005. In that filing, the magistrate judge recommended that this court deny defendant's letter motion.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge Stanley's Findings and Recommendation. No party has filed objections within the requisite period, and the failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court. Thomas v. Arn, 474 U.S. 140 (1985); Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Having reviewed the Proposed Findings and Recommendation filed by the magistrate judge, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby **DENIES** defendant's letter motion (Doc. No. 32).

The Clerk is directed to mail a copy of this memorandum opinion and order to all counsel of record, the plaintiff, pro se, and Magistrate Judge Stanley.

**IT IS SO ORDERED** this 21st day of November, 2005.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber  
United States District Judge